

(ORDER LIST: 580 U.S.)

MONDAY, OCTOBER 31, 2016

CERTIORARI -- SUMMARY DISPOSITIONS

15-486 IVY, DONNIKA, ET AL. V. MORATH, MIKE

The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit with instructions to dismiss as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950).

15-8842 PURCELL, BOBBY C. V. ARIZONA

15-8878 NAJAR, WILLIAM F. V. ARIZONA

15-9044 ARIAS, JONATHAN A. V. ARIZONA

15-9057 DeSHAW, SCOTT L. V. ARIZONA

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the Court of Appeals of Arizona, Division One for further consideration in light of *Montgomery v. Louisiana*, 577 U. S. \_\_\_\_ (2016). Justice Sotomayor concurs in the decisions to grant, vacate, and remand. See *Tatum v. Arizona*, 580 U. S. \_\_\_\_ (2016) (Sotomayor, J., concurring). Justice Alito, with whom Justice Thomas joins, dissents from the decisions to grant, vacate, and remand. See *Tatum v. Arizona*, 580 U. S. \_\_\_\_ (2016) (Alito, J., dissenting).

16-181 TIMM, GEOFFREY V. NORTH DAKOTA

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Supreme Court of North Dakota for further consideration in light of

*Birchfield v. North Dakota*, 579 U. S. \_\_\_\_ (2016).

**ORDERS IN PENDING CASES**

16A38 KINSEY, CHRISTOPHER R. V. UNITED STATES

The application for a certificate of appealability addressed to Justice Sotomayor and referred to the Court is denied.

16M40 PEACE, LESLIE H. V. ILLINOIS

16M41 BWP MEDIA USA, ET AL. V. CLARITY DIGITAL GROUP

16M42 MOYE, BRANDON V. COLVIN, ACTING COMM'R OF SSA

16M43 WALLACE, ALLYSON V. IDEAVILLAGE PRODUCTS CORP.

16M44 VERA, GUILLERMO V. SAN QUENTIN STATE PRISON, ET AL.

16M45 DAVIS, LaTONYA D. V. CLIFFORD, TODD, ET AL.

16M46 PHILLIPS, CURTIS C. V. PA DOC, ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

15-1500 LEWIS, BRIAN, ET AL. V. CLARKE, WILLIAM

The motion of petitioners to dispense with printing the joint appendix is granted.

16-217 LENZ, STEPHANIE V. UNIVERSAL MUSIC CORP., ET AL.

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

16-5479 SEWELL, STARSHA V. PRINCE GEORGE'S COUNTY

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

**CERTIORARI DENIED**

15-1351 HARDY, KATHRYN, ET AL. V. STATE LAND BOARD, ET AL.

15-1384 GILLIAM, JEFFREY V. NEBRASKA

15-1456 ANGHAIE, SAMIM, ET UX. V. UNITED STATES

15-1467 STAHL YORK AVENUE CO., LLC V. NEW YORK, NY, ET AL.

15-1489 BAUER, JAY J. V. LYNCH, ATT'Y GEN.

15-1492 JSW STEEL, INC. V. MM STEEL, L.P., ET AL.

15-1538 MERSCORP HOLDINGS, ET AL. V. MALLOY, DANIEL P., ET AL.

15-9323 MONTOYA-GAXIOLA, ABEL E. V. UNITED STATES

15-9365 HARCUM, JERRY V. MARYLAND

15-9574 MULAY, JOSEPH V. V. UNITED STATES

16-20 BILLINGS, DAVID, ET AL. V. PROPEL FINANCIAL SERV., ET AL.

16-33 ZOLA, DANIEL V. WITHERS, DAN, ET AL.

16-92 VINH HOAN CORPORATION V. CATFISH FARMERS OF AM., ET AL.

16-94 FARMER, STEPHEN V. D&O CONTRACTORS, INC., ET AL.

16-95 J & K ADMIN. MANAGEMENT, ET AL. V. ROBINSON, NEFFERTITI, ET AL.

16-98 STAHL, DANIEL V. HIALEAH HOSPITAL, ET AL.

16-104 NORRIS, TERRY V. TENNESSEE

16-108 AUTOMATED CREEL SYSTEMS V. SHAW INDUSTRIES GROUP, ET AL.

16-109 STOP RECKLESS ECONOMIC, ET AL. V. FEC

16-213 KUENZEL, WILLIAM E. V. ALABAMA

16-218 UNIVERSAL MUSIC CORP., ET AL. V. LENZ, STEPHANIE

16-222 GALLO, JOHN L., ET AL. V. MOEN, INC.

16-228 FORRAS, VINCENT, ET AL. V. RAUF, IMAM, ET AL.

16-230 CAIN, DAVID H. V. FIDELITY NATIONAL TITLE INS. CO.

16-232 LEE, SANG C. V. ANC CAR RENTAL CORP., ET AL.

16-238 CSP TECHNOLOGIES, INC. V. SUD-CHEMIE AG, ET AL.

16-244 SCHELL, DAVID, ET AL. V. OXY USA INC.

16-245 MELHORN, EDWIN R. V. UNITED METHODIST CHURCH, ET AL.

16-246 W. R., ET AL. V. OHIO DEPT. OF HEALTH, ET AL.

16-248 DANIELS, CURT N. V. HOLTZ, JOHN, ET AL.

16-252 KINNEY, CHARLES G. V. STATE BAR OF CALIFORNIA, ET AL.

16-260 FOLEY, DAVID W., ET UX. V. ORANGE COUNTY, FL, ET AL.

16-264 GRAMAR, LLC V. MP 200 W. RANDOLPH  
16-266 MUMME, CHRISTIAN F., ET UX. V. SOUTHPORT SPRINGS PARK, LLC  
16-269 HORHN, WILLIAM C. V. TEXAS  
16-277 PETTUS-BROWN, LaSHAWN V. LISATH, WARDEN  
16-280 STEVENS, FRANCES V. CA WORKERS' COMP. APPEALS BD.  
16-281 CASTILLO, FREDDIE B. V. LYNCH, ATT'Y GEN.  
16-292 MILLER, ROBERT M. V. FDIC  
16-303 FRIENDS OF ANIMALS V. JEWELL, SEC. OF INTERIOR, ET AL.  
16-304 ESTRADA-RODRIGUEZ, JOSE V. LYNCH, ATT'Y GEN.  
16-316 BIERY, DOROTHY L., ET AL. V. UNITED STATES  
16-318 COZZARELLI, FRANK J. V. SUPREME COURT OF NJ  
16-319 ROJAS, VICTOR V. KIRKPATRICK, GINNIE, ET AL.  
16-320 ACEVEDO, SALMA, ET AL. V. UNITED STATES  
16-322 AZKOUR, HICHAM V. LITTLE REST TWELVE, INC.  
16-336 BOYER, BEATRICE, ET AL. V. BNSF RAILWAY CO.  
16-337 BROWN, SAMUEL V. PA DEPARTMENT OF REVENUE, ET AL.  
16-339 TAYLOR, CHARLES N. V. MARGO, DEE, ET AL.  
16-342 ZIEGLER, VICTOR R. V. JEWELL, SEC. OF INTERIOR  
16-356 REDDY, RAGHURAMI V. DOMINO'S PIZZA, LLC  
16-357 SALADO-ALVA, BERNARDO V. LYNCH, ATT'Y GEN.  
16-362 FIRST RESOLUTION INVESTMENT V. TAYLOR-JARVIS, SANDRA  
16-365 FARMINGTON, NY V. AUSTIN, COLLEEN, ET VIR  
16-370 KUTTNER, SUSAN A. V. ZARUBA, JOHN E., ET AL.  
16-371 STOVIC, CHRIS V. RAILROAD RETIREMENT BD, ET AL.  
16-390 ADAME, JUAN V. UNITED STATES  
16-394 MENDEL, JAKE V. MORGAN KEEGAN & CO.  
16-401 SPRUILL, JEFF V. UNITED STATES  
16-414 WALTON, KENYON R. V. UNITED STATES

16-439 JONES, STEVEN V. BUTT, TOM, ET AL.

16-457 BULK TRANSPORT CORP. V. CENTRAL STATES, ET AL.

16-5225 TRAN, SON THANH V. CALIFORNIA

16-5295 RAY, DOMINEQUE V. AL DOC, ET AL.

16-5312 JIMENEZ-ROJAS, ENRIQUE V. UNITED STATES

16-5379 HENRY, PAUL V. UNITED STATES

16-5657 RUSSELL, RICHARD V. FL DOC

16-5667 YADETA, MULUNEH M. V. BEZA CONSULTING, INC., ET AL.

16-5673 RAMOS, GILBERT V. LeGRAND, WARDEN, ET AL.

16-5674 CARTER, JOHN V. INDEPENDENCE SEAPORT MUSEUM

16-5676 WRIGHT, MONTY E. V. BROWN, WENDY K.

16-5681 SALGADO, BRUNO V. ILLINOIS

16-5685 GONZALEZ, ALFONSO V. VASQUEZ, ACTING WARDEN

16-5695 MINOR, CHAZ V. SHELDON, WARDEN

16-5699 CREWS, WILLIAM R. V. FLORIDA

16-5702 VELASCO, JOSE F. V. SHERMAN, WARDEN

16-5707 PAWLEY, CASH W. V. JONES, SEC., FL DOC.

16-5709 WESTBROOKS, KHALON J. V. TEXAS

16-5710 WALLACE, TIMOTHY L. V. CARTLEDGE, WARDEN

16-5719 SELBY, CHARLES V. WENEROWICZ, SUPT., GRATERFORD

16-5723 MIDDLETON, CHRISTOPHER T. V. GEORGIA

16-5728 CARTER, JEANETTA V. VIRGINIA EMPLOYMENT COMM'N

16-5729 TIDWELL, JUAN M. V. HATTON, ACTING WARDEN, ET AL.

16-5730 BROOKS, CHARLES V. PATAKI, FORMER GOV. OF NY

16-5731 ANDERSON, LEWIS V. CALIFORNIA

16-5736 VILLA, DANIEL V. USCA 5

16-5739 DAVIS, PAUL V. BURT, WARDEN

16-5742 SARVESTANEY, CYRUS F. V. SARVESTANEY, LISA A.

16-5746 COUGHLIN, TIMOTHY M. V. FLORIDA  
16-5749 PAOLINO, RICHARD G. V. CAMERON, SUPT., HOUTZDALE  
16-5750 OLAGUE, PETE V. WORKER'S COMP., ET AL  
16-5753 HUMPHREY, MICHAEL V. SHERMAN, WARDEN  
16-5755 WILSON, DAHVON V. ILLINOIS  
16-5758 EBRON, MARCUS D. V. FLORIDA  
16-5759 BROWN, COWELL N. V. WATTLES, BOB, ET AL.  
16-5761 MARTIN, ROSCOE V. MACKIE, WARDEN  
16-5766 ELLIS, OBAR L. V. KLEE, WARDEN  
16-5770 VIRGA, MICHAEL V. LEE, WARDEN  
16-5771 SMILLIE, STEPHEN S. V. MARICOPA COUNTY, AZ, ET AL.  
16-5776 FRAZIER, JUSTIN V. FLORIDA  
16-5780 RHODES, KAVIN M. V. ROWE, WARDEN, ET AL.  
16-5783 FLORENCE, KIM V. VIKING ASSOCIATES  
16-5788 HARBISON, CHARLES V. CLARKE, DIR., VA DOC  
16-5791 RODRIGUEZ, JUAN R. V. SHERMAN, WARDEN  
16-5792 WARD, LEAH J. V. JORDAN, WARDEN  
16-5793 KE, LEI V. DREXEL UNIVERSITY, ET AL.  
16-5802 VUE, CHU V. CALIFORNIA  
16-5809 MUNT, JOEL M. V. MINNESOTA  
16-5815 MANN, MICHAEL V. KERNAN, SEC., CA DOC, ET AL.  
16-5816 REBELO, RUBEN M. V. NEW YORK  
16-5823 DOBBS, JOHN W. V. FLORIDA  
16-5834 RIGGINS, RODNEY L. V. MILLER, WARDEN, ET AL.  
16-5836 SMITH, CHANDLER P. V. MORRISVILLE, PA  
16-5837 KING, PATRICK L., ET UX. V. MISSISSIPPI, ET AL.  
16-5839 MARTINEZ, MICA A. V. OKLAHOMA  
16-5844 SAWYER, MARK C. V. UNITED STATES

16-5846 ESTELA-GOMEZ, LUIS F. V. LYNCH, ATT'Y GEN.  
16-5849 STOCKWELL, DAN V. KEY, SUPT., AIRWAY HEIGHTS  
16-5857 BERNARD, FELTON R. V. LOUISIANA  
16-5869 CHRISTENSON, DAVID A. V. UNITED STATES  
16-5871 TAYLOR, XAVIER V. UNITED STATES  
16-5873 TAYLOR, RAHSAAN V. KELLEY, DIR., AR DOC  
16-5879 DUKE, JERRY K. V. TENNESSEE  
16-5880 DORSEY, PAUL D. V. UNITED STATES  
16-5883 JOHONOSON, FRANKLIN V. THOMPSON, SUPT., MERCER  
16-5884 SMITH, GREGORY V. V. PHILLIPS, CHRISTOPHER, ET AL.  
16-5894 WOODARD, L. MICHAEL V. UNITED STATES  
16-5897 RAMSEY, TYRONE R. V. KATAVICH, WARDEN  
16-5902 NATHAN, ERIC L. V. SUPERIOR COURT OF CA  
16-5904 WALLAESA, BRIAN A. V. FAA  
16-5905 OKUN, EDWARD H. V. UNITED STATES  
16-5906 CHAPMAN, CARL V. CALIFORNIA  
16-5911 ROBLEDO, ADAM V. GIPSON, WARDEN  
16-5918 BRUETTE, FELIX J. V. JEWELL, SEC. OF INTERIOR  
16-5922 JIMENEZ, FELIX V. MEDEIROS, SUPT., NORFOLK  
16-5925 PATTERSON, EMMANUEL V. GRAZIANO, MICHAEL, ET AL.  
16-5933 SAENZ, KIMBERLY C. V. TEXAS  
16-5938 WILLIAMS, CARRI V. WA DEPT. OF SOCIAL & HEALTH  
16-5942 REID, WARNELL V. UNITED STATES  
16-5944 MILLER, DION T. V. UNITED STATES  
16-5945 PARNELL, KENNETH V. UNITED STATES  
16-5946 REDFORD, MIKE V. GEORGIA  
16-5948 REINARD, DONALD W. V. NEW YORK  
16-5949 CZEKUS, ABA D. V. KNIPP, WARDEN

16-5950 JACKSON, BERNARD V. LINK, SUPT., GRATERFORD  
16-5952 MARCOTTE, DESTRY J. V. UNITED STATES  
16-5953 THORNBRUGH, JAMES D. V. UNITED STATES  
16-5954 ZIMMERMAN, KENNETH J. V. SWARTHOUT, WARDEN  
16-5965 ALCALA, FERNANDO C. V. HERNANDEZ, CLAUDIA G.  
16-5966 COLE, BRENT D. V. UNITED STATES  
16-5967 LUMSDEN, JAMES R. V. UNITED STATES  
16-5973 MARQUEZ, REYNALDO V. UNITED STATES  
16-5974 JONES, ERIC K. V. MCGINLEY, ACTING SUPT., COAL  
16-5979 SANCHEZ-ALMARAZ, FERNANDO V. UNITED STATES  
16-5981 MEDFORD, ROGER D. V. TEXAS  
16-5983 PINA, TOMMY V. UNITED STATES  
16-5986 SULLIVAN, MONTIE V. OHIO  
16-5988 GOROSTIETA-CASAS, BONIFACIO V. UNITED STATES  
16-5994 CABADA, MIGUEL A. V. UNITED STATES  
16-5995 TRAPPIER, ANTHONY G. V. UNITED STATES  
16-5996 ZAVALA-GARCIA, PAULINO V. UNITED STATES  
16-6002 BURGESS, ALBERT C. V. UNITED STATES  
16-6007 CUA, JOSEPH G. V. McDOWELL, WARDEN  
16-6008 DJENASEVIC, KABIL A. V. IVES, WARDEN  
16-6010 CORREA-HERNANDEZ, RIGOBERTO V. FLORIDA  
16-6012 HILL, ELTON E. V. PENNSYLVANIA  
16-6013 MOSES, JOSHUA V. UNITED STATES  
16-6015 CASTEEN, MICHAEL W. V. UNITED STATES  
16-6017 RUIZ-ARAGON, CARLOS V. UNITED STATES  
16-6020 THOMAS, RONALD D. V. UNITED STATES  
16-6022 TAYLOR, BRANDON R. V. UNITED STATES  
16-6023 JIM, JORDAN V. UNITED STATES



16-6024 MATELYAN, ARIKA V. SUPREME COURT OF U.S.  
16-6026 LUBY, MICHAEL P. V. UNITED STATES  
16-6036 McLEOD, JARMAAL V. UNITED STATES  
16-6038 PARKE, CHARLES B. V. UNITED STATES  
16-6039 RUSSELL, STEVEN V. UNITED STATES  
16-6042 HERNANDEZ-VILLEDA, DOMINGO V. UNITED STATES  
16-6043 GOMEZ-HERNANDEZ, ARMANDO V. UNITED STATES  
16-6044 FRISON, ARREN T. V. UNITED STATES  
16-6045 GARDNER, WILLIAM R. V. UNITED STATES  
16-6046 QUINTERO, GEOMAR V. UNITED STATES  
16-6050 GARNER, NATHANIEL V. UNITED STATES  
16-6051 GRIMES, TYRELL V. UNITED STATES  
16-6053 GONZALEZ, ESTEBAN V. UNITED STATES  
16-6058 FORD, SAMUEL B. V. UNITED STATES  
16-6066 HIGGINS, DEONDRE C. V. UNITED STATES  
16-6070 GATLING, MAURICE V. UNITED STATES  
16-6071 GASCA, GENARO V. UNITED STATES  
16-6072 MAXWELL, MAURICE L. V. UNITED STATES  
16-6073 LAWS, RASHAAD L. V. UNITED STATES  
16-6074 HAYES, BILLY V. UNITED STATES  
16-6075 SMITH, DE VAUGHAN V. UNITED STATES  
16-6078 DOBSON, KASEEN V. MILLION, WARDEN  
16-6082 HERNANDEZ-VEGA, CARLOS L. V. UNITED STATES  
16-6083 GRANDA, PAULINO V. IVES, WARDEN  
16-6090 FITZPATRICK, JAMES H. V. UNITED STATES  
16-6091 EVANS, DERRICK L. V. UNITED STATES  
16-6092 COVINGTON, DEMARIO V. UNITED STATES  
16-6096 HARRIS, VICTORIA M. V. UNITED STATES

16-6097        ANDERSON, STANLEY L. V. UNITED STATES  
16-6098        SMITH, CHRISTOPHER V. UNITED STATES  
16-6099        SHIPTON, DENNIS G. V. DANIELS, WARDEN  
16-6100        FLOWERS, SHAHIEE J. V. UNITED STATES  
16-6101        HERNANDEZ-DE-LA-ROSA, CESAR V. UNITED STATES  
16-6108        GUTIERREZ, RUDY V. UNITED STATES  
16-6109        HANNIGAN, CHRISTOPHER V. UNITED STATES  
16-6111        GARCIA, ALEJANDRO S. V. UNITED STATES  
16-6112        GUZMAN-FERNANDEZ, JAVIER V. UNITED STATES  
16-6114        LIU, WENJING V. UNITED STATES  
16-6116        JENKINS, SHAUN V. MURPHY, SUPT., OLD COLONY  
16-6119        WARD, STEPHEN M. V. UNITED STATES  
16-6120        WILLIS, IVAN B. V. UNITED STATES  
16-6124        BRITT, JOHN L. V. UNITED STATES  
16-6126        GIBSON, JOHNNY M. V. POLLARD, WILLIAM, ET AL.  
16-6130        SCALIA, MICHAEL R. V. UNITED STATES  
16-6134        MINJAREZ, MANUEL O. V. UNITED STATES  
16-6140        ATWOOD, DAVID G. V. UNITED STATES  
16-6146        JONES, ADREAN L. V. UNITED STATES  
16-6154        DURY, MATTHEW J. V. UNITED STATES  
16-6155        LITTLE COYOTE, MONTE C. V. UNITED STATES  
16-6157        CAMACHO, BALTAZAR V. UNITED STATES  
16-6158        DRAIN, ALEXANDER V. LANE, SUPT., FAYETTE  
16-6161        BURNS, CLINTON V. UNITED STATES  
16-6163        HOLMES, PAMELA J. V. MSPB  
16-6165        HOPE, GIRAUD V. UNITED STATES  
16-6167        MARTINEZ, ALEJANDRO V. UNITED STATES  
16-6170        WHITE, ROBERT V. UNITED STATES

16-6173       MAYER, TROY J. V. BEEMER, ATT'Y GEN. OF PA.  
16-6178       EVANS, ROGER F. V. MILLION, WARDEN  
16-6183       CREWS, JAQUEL V. UNITED STATES  
16-6197       OGUNNIYI, VICTOR V. UNITED STATES  
16-6201       SCHAFFER, ROBIN D., JR. V. UNITED STATES  
16-6202       SONG, WENFO V. OBAMA, PRESIDENT OF U.S.  
16-6206       CAPSHAW, STEVEN M. V. UNITED STATES  
16-6207       GEMMA, MICHAEL V. UNITED STATES  
16-6209       CORTES-MEDINA, HECTOR V. UNITED STATES  
16-6211       CHRISTIAN, ERIC L. V. UNITED STATES  
16-6214       JONES, RONNIE M. V. UNITED STATES  
16-6217       AYALA-YUPIT, PABLO C. V. UNITED STATES  
16-6218       DOUGLAS, DAYNE D. V. UNITED STATES  
16-6231       DUNSTON, ALAN V. COLVIN, ACTING COMM'R OF SSA  
16-6238       MURRAY, MICHAEL M. V. UNITED STATES  
16-6241       DONALDSON, COREY A. V. UNITED STATES  
16-6246       ROBERTS, WALTER R. V. UNITED STATES  
16-6254       BRYANT, CHRISTOPHER T. V. UNITED STATES  
16-6255       PFEIFER, DERYKE M. V. UNITED STATES  
16-6263       CHICHAKLI, RICHARD A. V. UNITED STATES  
16-6266       LINDSEY, MICHAEL A. V. UNITED STATES  
16-6267       LOGAN, JONATHAN B. V. UNITED STATES  
16-6274       DILLARD, SCOTT L. V. UNITED STATES  
16-6284       TREJO, CARLOS S. V. UNITED STATES  
16-6290       SMOTHERMAN, SONTAY T. V. UNITED STATES  
16-6296       RIVERA-MARTINEZ, JOSE A. V. UNITED STATES  
16-6298       DeCRUZ, AUGUSTINE V. UNITED STATES  
16-6299       DIDIER, CHRISTIN D. V. UNITED STATES

16-6301 CORNETT, CHRISTOPHER B. V. UNITED STATES

16-6304 REZA-RAMOS, VICTOR M. V. UNITED STATES

The petitions for writs of certiorari are denied.

15-1438 TINA M., ET AL. V. ST. TAMMANY PARISH SCHOOL BOARD

The motion of Southern Poverty Law Center, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

16-189 WASHINGTON, HEIDI E., ET AL. V. DENDEL, KATHERINE S.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

16-5738 REDDY, KRISHNA V. NUANCE COMMUNICATIONS, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

16-6069 HINSON, KEVIN V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

16-6094 WOODWORTH, MURRAY A. V. SHARTLE, WARDEN

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

16-6249 RUSSELL, ROBERT P. V. HOLT, WARDEN

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

**HABEAS CORPUS DENIED**

16-5715 IN RE CARY M. LAMBRIX  
16-6235 IN RE DONALD BENNETT  
16-6279 IN RE JAMES D. EVANS  
16-6322 IN RE HELEN RANSOM

The petitions for writs of habeas corpus are denied.

**MANDAMUS DENIED**

16-227 IN RE PETER ROTHING  
16-5678 IN RE MILTON V. WILLIAMS  
16-5767 IN RE CHRISTOPHER DEATON

The petitions for writs of mandamus are denied.

**REHEARINGS DENIED**

15-7608 OKUN, EDWARD H. V. UNITED STATES  
15-9363 HAMMOND, ADAM V. UNITED STATES  
15-9906 HARRIS, MICHAEL E. V. MESSITTE, JUDGE, USDC D MD

The petitions for rehearing are denied.

**ATTORNEY DISCIPLINE**

D-2935 IN THE MATTER OF DISCIPLINE OF ROBERT LEE STONE

Robert Lee Stone, of Chicago, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2936 IN THE MATTER OF DISCIPLINE OF MICHAEL BRUCE STONE

Michael Bruce Stone, of Las Vegas, Nevada, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2937 IN THE MATTER OF DISCIPLINE OF JOHN CLIFTON ELSTEAD

John Clifton Elstead, of Oakland, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2938 IN THE MATTER OF DISCIPLINE OF RICHARD D. ACKERMAN

Richard D. Ackerman, of Menifee, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2939 IN THE MATTER OF DISCIPLINE OF ROBERT ALLAN HOLSTEIN

Robert Allan Holstein, of Chicago, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2940 IN THE MATTER OF DISCIPLINE OF RONALD L. McPHERON

Ronald L. McPheron, of Chicago, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2941 IN THE MATTER OF DISCIPLINE OF KEITH E. GREGORY

Keith E. Gregory, of Lompoc, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2942 IN THE MATTER OF DISCIPLINE OF STEPHEN CARL WOODRUFF

Stephen Carl Woodruff, of Saipan, Northern Mariana Islands, is suspended from the practice of law in this Court and a rule

will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

SOTOMAYOR, J., concurring

**SUPREME COURT OF THE UNITED STATES**

**BOBBY JERRY TATUM v. ARIZONA**

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF ARIZONA, DIVISION TWO

No. 15–8850. Decided October 31, 2016

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeals of Arizona, Division Two for further consideration in light of *Montgomery v. Louisiana*, 577 U. S. \_\_\_\_ (2016).

JUSTICE SOTOMAYOR, concurring in the decision to grant, vacate, and remand.\*

This Court explained in *Miller v. Alabama*, 567 U. S. \_\_\_\_ (2012), that a sentencer is “require[d] . . . to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.” *Id.*, at \_\_\_\_ (slip op., at 17). Children are “constitutionally different from adults for purposes of sentencing” in light of their lack of maturity and underdeveloped sense of responsibility, their susceptibility to negative influences and outside pressure, and their less well-formed character traits. *Id.*, at \_\_\_\_ (slip op., at 8). Failing to consider these constitutionally significant differences, we explained, “poses too great a risk of disproportionate punishment.” *Id.*, at \_\_\_\_ (slip op., at 17). In the context of life without parole, we stated that “appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon.” *Ibid.*

*Montgomery v. Louisiana*, 577 U. S. \_\_\_\_ (2016), held

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\*This opinion also applies to No. 15–8842, *Purcell v. Arizona*; No. 15–8878, *Najar v. Arizona*; No. 15–9044, *Arias v. Arizona*; and No. 15–9057, *DeShaw v. Arizona*.



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that *Miller* “announced a substantive rule of constitutional law.” 577 U. S., at \_\_\_ (slip op., at 20). That rule draws “a line between children whose crimes reflect transient immaturity and those rare children whose crimes reflect irreparable corruption” and allows for the possibility “that life without parole could be a proportionate sentence [only] for the latter kind of juvenile offender.” *Id.*, at \_\_\_ (slip op., at 18).

The petitioners in these cases were sentenced to life without the possibility of parole for crimes they committed before they turned 18. A grant, vacate, and remand of these cases in light of *Montgomery* permits the lower courts to consider whether these petitioners’ sentences comply with the substantive rule governing the imposition of a sentence of life without parole on a juvenile offender.

JUSTICE ALITO questions this course, noting that the judges in these cases considered petitioners’ youth during sentencing. As *Montgomery* made clear, however, “[e]ven if a court considers a child’s age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects unfortunate yet transient immaturity.” *Id.*, at \_\_\_–\_\_\_ (slip op., at 16–17) (internal quotation marks omitted).

On the record before us, none of the sentencing judges addressed the question *Miller* and *Montgomery* require a sentencer to ask: whether the petitioner was among the very “rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.” 577 U. S., at \_\_\_ (slip op., at 17).

Take *Najar v. Arizona*, No. 15–8878. There, the sentencing judge identified as mitigating factors that the defendant was “16 years of age” and “emotionally and physically immature.” App. to Pet. for Cert. in No. 15–8878, p. A–51. He said no more on this front. He then discounted the petitioner’s efforts to rehabilitate himself as “nothing significant,” despite commending him for those

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efforts and expressing hope that they would continue. *Id.*, at A–52. The sentencing judge did not evaluate whether Najjar represented the “rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified.” *Montgomery*, 577 U. S., at \_\_\_\_ (slip op., at 16).

*Purcell v. Arizona*, No. 15–8842, is no different. The sentencing judge found that Purcell’s age at the time of his offense—16 years old—qualified as a statutory mitigating factor. App. to Pet. for Cert. in No. 15–8842, p. A–80. He then minimized the relevance of Purcell’s troubled childhood, concluding that “this case sums up the result of defendant’s family environment: he became a double-murderer at age 16. Nothing more need be said.” *Id.*, at A–83. So here too, the sentencing judge did not undertake the evaluation that *Montgomery* requires. He imposed a sentence of life without parole despite finding that Purcell was “likely to do well in the structured environment of a prison and that he possesses the capacity to be meaningfully rehabilitated.” App. to Pet. for Cert. in No. 15–8842, at A–83.

The other petitions are similar. In *Tatum v. Arizona*, No. 15–8850, and *DeShaw v. Arizona*, No. 15–9057, the sentencing judge merely noted age as a mitigating circumstance without further discussion. In *Arias v. Arizona*, No. 15–9044, the record before us does not contain a sentencing transcript or order reflecting the factors the sentencing judge considered.

It is clear after *Montgomery* that the Eighth Amendment requires more than mere consideration of a juvenile offender’s age before the imposition of a sentence of life without parole. It requires that a sentencer decide whether the juvenile offender before it is a child “whose crimes reflect transient immaturity” or is one of “those rare children whose crimes reflect irreparable corruption” for whom a life without parole sentence may be appropriate.

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577 U. S., at \_\_\_ (slip op., at 18). There is thus a very meaningful task for the lower courts to carry out on remand.

ALITO, J., dissenting

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JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting from the decision to grant, vacate, and remand.\*

The Court grants review and vacates and remands in this and four other cases in which defendants convicted of committing murders while under the age of 18 were sentenced to life without parole. The Court grants this relief so that the Arizona courts can reconsider their decisions in light of *Montgomery v. Louisiana*, 577 U. S. \_\_\_\_ (2016), which we decided last Term. I expect that the Arizona courts will be as puzzled by this directive as I am.

In *Montgomery*, the Court held that *Miller v. Alabama*, 567 U. S. \_\_\_\_ (2012), is retroactive. 577 U. S., at \_\_\_\_ (slip. op., at 20). That holding has no bearing whatsoever on the decisions that the Court now vacates. The Arizona cases at issue here were decided after *Miller*, and in each case the court expressly assumed that *Miller* was applicable to the sentence that had been imposed. Therefore, if the Court is taken at its word—that is, it simply wants the Arizona courts to take *Montgomery* into account—there is nothing for those courts to do.

It is possible that what the majority wants is for the lower courts to reconsider *the application of Miller* to the cases at issue,<sup>†</sup> but if that is the Court’s aim, it is misusing

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\*This opinion also applies to four other petitions: No. 15–8842, *Purcell v. Arizona*; No. 15–8878, *Najar v. Arizona*; No. 15–9044, *Arias v. Arizona*; and No. 15–9057, *DeShaw v. Arizona*.

<sup>†</sup>This is certainly JUSTICE SOTOMAYOR’s explanation of the GVR. She

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the GVR vehicle. We do not GVR so that a lower court can reconsider the application of a precedent that it has already considered.

In any event, the Arizona decisions at issue are fully consistent with *Miller's* central holding, namely, that mandatory life without parole for juvenile offenders is unconstitutional. 567 U. S., at \_\_\_ (slip op., at 2). A sentence of life without parole was imposed in each of these cases, not because Arizona law dictated such a sentence, but because a court, after taking the defendant's youth into account, found that life without parole was appropriate in light of the nature of the offense and the offender.

It is true that the *Miller* Court also opined that "life without parole is excessive for all but 'the rare juvenile offender whose crime reflects irreparable corruption,'" *Montgomery, supra*, at \_\_\_ (slip op., at 17) (quoting *Miller, supra*, at \_\_\_ (slip op., at 17) (internal quotation marks omitted)), but the record in the cases at issue provides ample support for the conclusion that these "children" fall into that category.

For example, in *Purcell v. Arizona*, No. 15–8842, a 16-year-old gang member fired a sawed-off shotgun into a group of teenagers, killing two of them, under the belief that they had flashed a rival gang's sign at him. He was ultimately convicted of two counts of first-degree murder, nine counts of attempted first-degree murder, and one count each of aggravated assault and misconduct involving weapons. The trial court considered his youth, identified his age as a mitigating factor, and still sentenced him to life without parole. The remaining cases are in the same vein. See *Tatum v. Arizona*, No. 15–8850 (17-year-

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faults the lower courts for failing to heed the statement *in Miller* that "appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." 567 U. S., at \_\_\_ (slip op., at 17). If the others in the majority have a similar view, the Court should grant review and decide the cases on the merits.

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old defendant convicted of first-degree murder, conspiracy to commit armed robbery, attempted armed robbery, and aggravated assault); *Najar v. Arizona*, No. 15–8878 (juvenile convicted of first-degree murder and theft); *Arias v. Arizona*, No. 15–9044 (16-year-old defendant pleaded guilty to two counts of first-degree murder, two counts of second-degree murder, two counts of kidnapping, four counts of armed robbery, and one count each of first-degree burglary, conspiracy to commit first-degree murder, and conspiracy to commit armed robbery); *DeShaw v. Arizona*, No. 15–9057 (17-year-old defendant convicted of first-degree murder, armed robbery, and kidnapping).

In short, the Arizona courts have already evaluated these sentences under *Miller*, and their conclusions are eminently reasonable. It is not clear why this Court is insisting on a do-over, or why it expects the results to be any different the second time around. I respectfully dissent.